

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERICSSON INC., and §
TELEFONAKTIEBOLAGET LM §
ERICSSON, §
§
Plaintiffs, § **CASE NO. 6:12-CV-894**
§
vs. §
§
SAMSUNG ELECTRONICS CO., LTD., et §
al., §

Defendants.

ORDER

Before the Court is Plaintiffs' unopposed motion to stay proceedings pursuant to 28 U.S.C. § 1659 (Docket No. 32). In a pending litigation before the International Trade Commission ("ITC"), Defendants have asserted U.S. Patent Nos. 6,617,929, 6,767,813, 6,865,682, 7,782,749, 8,165,081, 8,208,438, and 8,228,827 against Plaintiffs. *See In the Matter of Certain Wireless Communications Equipment and Articles Therein*, Inv. No. 337-TA-866, 78 Fed. Reg. 6837 (Jan. 31, 2013). Defendants have also asserted these same seven patents in its counterclaims against Plaintiffs in this action. Docket No. 26. Plaintiffs ask the Court to stay these proceedings with respect to these seven patents pending the outcome of the parallel ITC action.

The Motion is **GRANTED**. However, this Motion only affects some of the patents asserted in this case. To avoid future complications arising from a partial stay, the Court further **SEVERS** Samsung's counterclaims involving U.S. Patent Nos. 6,617,929, 6,767,813, 6,865,682, 7,782,749, 8,165,081, 8,208,438, and 8,228,827 into a separate cause of action. *See FED. R. CIV.*

P. 21. (“[t]he court may sever any claim against a party.”). Additionally, the Court **WAIVES** any required filing fee for the new case.

So ORDERED and SIGNED this 30th day of April, 2013.

A handwritten signature in black ink, appearing to read "LEONARD DAVIS". The signature is fluid and cursive, with a large loop at the top and several smaller loops and dashes below it.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**